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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-seventh session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

Côte d'Ivoire

1. The Committee considered the initial report of Côte d'Ivoire (CRC/C/8/Add.41), received on 22 January 1999, at its 711th and 712th meetings (CRC/C/SR.711 and 712), held on 31 May 2001 and adopted, at the 721st meeting held on 8 June 2001, the following concluding observations.

A. Introduction

2. While the Committee welcomes the State party's initial report, it regrets that it does not fully follow the guidelines established by the Committee. The Committee welcomes the timely submission of the written replies to its list of issues (CRC/C/Q/COT/1) which allowed for a clearer understanding of the situation of children in the State party. The Committee also notes the constructive, open and frank dialogue it had with the delegation of the State party. The Committee notes with appreciation the high level and the diversity of the delegation, which covered the major issues of the Convention, and welcomes the positive reactions to the suggestions and recommendations made during the discussion.

B. Positive aspects

3. The Committee welcomes the enactment of the new Constitution of 1 August 2000, which contains provisions on human rights for the protection of children and abolishes the death penalty (which used to be applicable to children from 16 years of age).

4. The Committee also welcomes the conclusion, on 1 September 2000, of a bilateral agreement with the Republic of Mali prohibiting trafficking of children between these two States parties.

5. The adoption in 1992 of a national plan of action for the survival, protection and development of Ivorian children for the year 2000, the national plan for health development adopted in November 1996 and the establishment of a committee to consider the plight of children orphaned by AIDS are positive steps for the implementation of the Convention on the Rights of the Child.

6. Finally, the Committee notes with interest the adoption of the law on female genital mutilation (1998), the Education Act (1995) and the Labour Code (1995).

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee acknowledges that the economic, political and social difficulties facing the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. The Committee further notes that the limited availability of skilled human resources also adversely affects the full implementation of the Convention. The Committee is also concerned at the negative effects of the recent unrest in the State party on the implementation of the Convention.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Legislation

8. The Committee notes that a study was undertaken to identify the inconsistencies between domestic legislation and the Convention, but remains concerned, however, that domestic legislation, and in particular customary law, still does not fully reflect the principles and provisions of the Convention.

9. The Committee encourages the State party to take all necessary measures to ensure that its domestic legislation conforms fully to the principles and provisions of the Convention. In that respect, the Committee recommends that the State party continue its efforts to adopt a comprehensive code on the rights of the child. It also encourages the State party to ratify the African Charter on the Rights and Welfare of the Child. Moreover, the Committee recommends that the State party address in more depth the problem of customary law that is inconsistent with the Convention on the Rights of the Child.

Coordination

10. While the Committee notes that the Ministry for Family, Women and Children is in charge of the coordination of governmental action on questions relating to children, it is concerned at the lack of an inter-institutional mechanism responsible for the coordination at the national level, and particularly at the local level, of the promotion and implementation of the Convention.

11. The Committee recommends that the State party take all necessary measures to allocate principal responsibility for the coordination of the implementation of the Convention to a single body or mechanism. For this purpose, the Committee also recommends that adequate human and financial resources be allocated and appropriate measures be taken to include NGOs.

Independent monitoring structures

12. The Committee takes note of decree No. 2000-830 of 22 November 2000 establishing a National Human Rights Commission, and the project to establish a national monitoring body. While welcoming the fact that human rights associations have the right to submit cases to the Constitutional Council, the Committee emphasizes the importance of setting up an independent mechanism with a mandate to regularly monitor and evaluate progress in the implementation of the Convention at the local and national levels.

13. The Committee encourages the State party to consider the establishment of an independent national human rights institution, in accordance with the Paris Principles relating to the status of national institutions (General Assembly resolution 48/134), to monitor and evaluate progress in the implementation of the Convention at the national and, if appropriate, at the local level. In addition, the institution should be empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner, and effectively address them. The Committee encourages the State party to seek technical assistance from, among others, OHCHR and UNICEF.

Budget and financial resources for children

14. While noting the priorities set by the State party on policies for children, notably the efforts to increase the budget allocated to education, the Committee expresses its concern that insufficient attention has been paid to article 4 of the Convention regarding the implementation to the "maximum extent of ... available resources" of the economic, social and cultural rights of children.

15. While recognizing that economic conditions are difficult, the Committee recommends that the State party make every effort to increase the proportion of the budget allocated to children's rights and, in this context, to ensure the provision of appropriate human resources and guarantee that the implementation of policies regarding children are a priority. The Committee also recommends that the State party develop ways to undertake a systematic assessment of the impact of budgetary allocations on the implementation of child rights, and to collect and disseminate information in this regard.

Data collection

16. The Committee is concerned at the lack of systematic and comprehensive collection of disaggregated data for all areas covered by the Convention and in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

17. The Committee recommends that the State party develop a system of data collection and indicators consistent with the Convention and disaggregated by gender, age, indigenous and minority group, and urban and rural area. This system should cover all children up to the age of 18 years with specific emphasis on those who are particularly vulnerable, including child victims of abuse, neglect, or ill-treatment; children with disabilities; children belonging to ethnic groups; refugee and asylum-seeking children; children in conflict with the law; working children; adopted children; and children living in the streets and in rural areas. It further encourages the State party to use these indicators and data for the formulation of policies and programmes for the effective implementation of the Convention.

Dissemination of training on the Convention

18. While aware of the measures undertaken to promote widespread awareness of the principles and provisions of the Convention, the Committee is of the opinion that these measures need to be strengthened and systematized. In this respect, the Committee is concerned at the lack of a systematic plan to introduce training and awareness among professional groups working for and with children.

19. The Committee recommends that the State party strengthen its efforts to disseminate the principles and provisions of the Convention as a measure to sensitize society about children's rights through social mobilization. It also recommends that the State party translate the Convention into all national languages in order to reach the whole population. Moreover, the Committee encourages the State party to undertake systematic education and training on the provisions of the Convention for all professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers. Technical assistance from, among others, OHCHR and UNICEF could be requested in this regard.

2. Definition of the child

20. While noting the various proposals currently under discussion, the Committee expresses concern at the disparity between the age of majority in civil matters (21 years) and in penal matters (18 years). It also considers that the minimum age for criminal responsibility (10 years), is too low and remains concerned at the difference between the minimum legal age for marriage of boys (20 years) and that of girls (18 years). Moreover, the Committee is deeply concerned that no minimum age has been set for the end of compulsory education and that the practice of early marriage is still widespread.

21. The Committee recommends that the State party review its legislation with a view to eliminating all disparities regarding minimum-age requirements, and that it make greater efforts to enforce the requirements. It also strongly recommends that the State party set a minimum age for the end of compulsory education and develop sensitization programmes to curb the practice of early marriage.

3. General principles

Non-discrimination

22. While noting that discrimination is prohibited under the Constitution, the Committee is concerned at the persistence of discrimination in the State party. In particular, the Committee is concerned at the occurrence of discrimination against non-citizen children, children with disabilities, children born out of wedlock, children from ethnic minorities, Muslim children and girls; the Committee is particularly concerned about the low participation rate of girls in education. Moreover, the Committee is concerned at the discrepancies in the enjoyment of rights by certain vulnerable groups: children living in rural areas, refugee children, children from poor families, and children living and/or working on the streets.

23. In light of article 2 of the Convention, the Committee recommends that the State party make concerted efforts at all levels to address discrimination, notably discrimination based on gender, disability, religion, and national, ethnic or social origin, through a review and reorientation of policies, including increased budgetary allocations for programmes targeting the most vulnerable groups. The Committee encourages the State party to ensure effective law enforcement, undertake studies and launch comprehensive public information campaigns to prevent and combat all forms of discrimination, where needed within the framework of international cooperation.

The right to life, survival and development

24. The Committee is deeply concerned at the situation of children born of incarcerated mothers, as both have very limited access to health services.

25. The Committee recommends that the State party take all necessary measures to ensure that children born in prison and their mothers are provided access to health services.

Respect for the views of the child

26. While welcoming the existence of a Children's Parliament, the Committee is concerned that respect for the views of the child remains limited within the family, in schools, in the courts and in the society at large, due to traditional attitudes.

27. The Committee encourages the State party to promote and facilitate, within the family, the school, the courts and administrative bodies, respect for the views of children and their participation in all matters affecting them in accordance with their evolving capacity, in light of article 12 of the Convention. The Committee also recommends that the State party provide educational information to, among others, parents, teachers, government administrative officials, the judiciary and the society at large on children's rights to participate and to have their views taken into consideration.

4. Civil rights and freedoms

Birth registration

28. While the Committee welcomes the efforts undertaken by the State party to raise awareness of and extend the deadline for the registration of birth, it remains very concerned at the large number of children whose birth is not registered.

29. In the light of article 7 of the Convention, the Committee urges the State party to make every effort to ensure the registration of all children at birth, including through the continuation of awareness raising campaigns.

Ill-treatment

30. While welcoming the inclusion of a provision in the new Constitution prohibiting torture or other cruel, inhuman or degrading treatment and punishment, the Committee is concerned at the extremely poor conditions of detention for children, amounting in many instances to cruel, inhuman and degrading treatment as spelled out in article 37 (a) of the Convention.

31. The Committee urges the State party to take all necessary measures to improve the conditions of detention of children in prisons and to ensure that each case of violence and abuse is duly investigated in order to avoid impunity being enjoyed by the perpetrators.

5. Family environment and alternative care

Recovery of children's maintenance allowance

32. While domestic legislation includes provision for maintenance allowance (Marriage Act and Divorce Act), the Committee is concerned at the lack of implementation of these provisions due mainly to widespread ignorance of the law.

33. The Committee recommends that the State party make widely known the provisions of domestic legislation concerning maintenance allowance, notably to women who are illiterate, and that it ensure that professional groups dealing with this issue are adequately trained and that the courts are stricter regarding the recovery of allowances from solvent parents who refuse to pay.

Children deprived of their family environment

34. The Committee is very concerned that current facilities available for the alternative care of children deprived of their family environment are insufficient and that many children do not have access to such assistance. In addition, the Committee expresses concern at the lack of appropriate training of staff and of a clear policy regarding the review of placements of children in alternative care.

35. The Committee recommends that the State party urgently adopt a programme to strengthen and increase alternative care opportunities for children including, inter alia, the reinforcement of existing structures, the improved training of staff and the allocation of increased resources to relevant bodies. The Committee recommends that the State party seek assistance from UNICEF in this regard.

Protection from abuse and neglect

36. While noting the establishment of a national committee to combat violence against women and children, the Committee is concerned at the incidence of abuse, including sexual abuse, and neglect of children in the State party, and that insufficient efforts have been made to protect children. The Committee is also particularly concerned at the high level of domestic violence and at sexual abuse of girls in schools, which leads to a high rate of primary and secondary school drop-out. In addition, the Committee is concerned at the lack of appropriate financial and human resources and the lack of adequately trained personnel to prevent and combat physical and sexual abuse.

37. In light of article 19 of the Convention, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and child abuse, including sexual abuse, in order to understand the scope and nature of these practices, to adopt effective measures and policies, and to contribute to changing attitudes. The Committee also recommends that cases of domestic violence and sexual abuse at schools be properly investigated through a child-sensitive judicial procedure, and that the perpetrators be sanctioned, with due regard for the right to privacy of the child. The Committee also recommends that appropriate weight be given to children's views in legal proceedings; that support services be provided to child witnesses in legal proceedings; that provision be made for the physical and psychological recovery and social reintegration of victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention; and that measures be taken to prevent the criminalization and stigmatization of victims. The Committee recommends that the State party seek technical assistance from, among others, UNICEF.

6. Basic health and welfare

38. While taking note of the 1996 National Plan for Health Development, the Committee is deeply concerned at the extremely high and increasing infant mortality rates and low life expectancy in the State party, as well as at the low rates of breastfeeding. The Committee also remains concerned that health services in the districts and local areas continue to lack adequate resources (both financial and human). In addition, the Committee is concerned that the survival

and development of children within the State party continue to be threatened by early childhood diseases such as acute respiratory infections and diarrhoea. Concern is also raised by the poor situation of sanitation and the insufficient access to safe drinking water, especially in rural communities.

39. The Committee recommends that the State party reinforce its efforts to allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of children, particularly in rural areas. In this context, the Committee recommends that the State party facilitate greater access to primary health services; reduce the incidence of maternal, child and infant mortality; prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children; promote proper breastfeeding practices; and increase access to safe drinking water and sanitation. Additionally, the Committee encourages the State party to pursue additional avenues of cooperation and assistance for child health improvement with, among others, WHO and UNICEF.

Adolescent health

40. The Committee is concerned that insufficient attention has been given to adolescent health issues, including developmental, mental and reproductive health concerns, and substance abuse. The Committee is also concerned at the particular situation of girls, for instance the very high rate of early marriage which can have a negative impact on their health.

41. The Committee recommends that the State party undertake a comprehensive study in order to understand the nature and extent of adolescent health problems, with the full participation of adolescents, and use this as a basis for the formulation of adolescent health policies and programmes, with particular attention to female adolescents.

HIV/AIDS

42. While noting the existence of the National Programme for the Control of AIDS, Sexually Transmitted Infections and Tuberculosis, the establishment of a special Ministry on HIV/AIDS, and the setting up of a committee on HIV/AIDS orphans, the Committee remains extremely concerned at the alarmingly high incidence and increasing prevalence of HIV/AIDS amongst adults and children and the resulting large number of children orphaned by HIV/AIDS. The Committee is concerned at the lack of alternative care for these children. The Committee is also deeply concerned at the large number of teachers dying of HIV/AIDS in the State party.

43. The Committee recommends that the State party increase its efforts to prevent HIV/AIDS and take into consideration the recommendations adopted by the Committee on its day of general discussion on "Children living in a world with HIV/AIDS" (CRC/C/80, para. 243). The Committee also urges the State party to consider ways of minimizing the impact upon children of the HIV/AIDS-related deaths of parents, teachers and others, in terms of children's reduced access to a family life, to adoption, to emotional care and to education. The Committee recommends that the State party seek technical assistance from, among others, UNAIDS.

Traditional harmful practices

44. While welcoming the adoption of a new law on female genital mutilation (1998), the Committee is concerned at the widespread nature of this practice in the State party.

45. The Committee urges the State party to continue its efforts to end the practice of female genital mutilation, inter alia through enforcement of legislation and implementation of programmes sensitizing the population about its harmful effects. The Committee recommends that the State party take advantage of the efforts in this regard made by other States in the region.

Children with disabilities

46. Noting the current efforts by the State party (in particular Act No. 98-594 of 10 November 1998), the Committee is concerned at the situation of children with physical and mental disabilities, and in particular at the limited specialized health care and educational and employment possibilities available for them. The Committee is further concerned that poor health and poverty are leading to an increase in the number of children with disabilities.

47. The Committee recommends that the State party review the situation of children with disabilities in terms of their access to suitable health care, educational services and employment opportunities, and that the State party establish a programme of action to address all areas of concern through an inclusive policy. The Committee recommends in addition that the State party take note of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (see CRC/C/69). The Committee further recommends that the State party sensitize the population to the human rights of children with disabilities. The Committee also suggests that the State Party seek assistance from, among others, UNICEF and WHO.

Standard of living

48. The Committee acknowledges the State party's efforts to broaden the coverage of the social security system and joins the State party in expressing concern at the limited access to such assistance. The Committee also notes the survey on the negative impact of devaluation on vulnerable populations in Abidjan.

49. The Committee encourages the State party to revise its social policy by improving its drug policy and by facilitating access to primary health care. Similarly, the Committee recommends that the State party promote access to education and adequate housing in order to assist poor families and their children to improve their living conditions.

7. Education, leisure and cultural activities

50. While noting the adoption of the Education Act (1995) and of a national programme for the development of education (2000), as well as the current project to make education free and compulsory for all up to the age of 16 years, the Committee remains deeply concerned that primary education is not compulsory and free for all in the State party. The Committee is also concerned at the low education levels among children in the State party, gender and rural-urban disparities in school attendance, the limited access of children with disabilities to formal or vocational educational opportunities, the number of children who are several years behind in their primary education, and the high drop-out rate of children who do attend school. The Committee also expresses concerns at the fact that Koranic schools are placed under the authority and administration of the Ministry of the Interior.

51. The Committee urges the State party to adopt and implement the project to make primary education free to all and compulsory. The Committee also recommends raising the level of educational achievement among children through, inter alia, increasing the number of available schools and classes, providing for the initial and ongoing training of more teachers and school inspectors, developing standard national textbooks, increasing the rates of enrolment and providing assistance with school fees, uniforms and other equipment for poor families. The Committee urges the State party to seek international assistance in this regard, including from UNICEF. The Committee recommends in addition that the State party ensure that children with disabilities have access to formal and vocational educational opportunities and that every effort be made to ensure that girls and boys, as well as children from urban and rural areas, have equal access to educational opportunities. In this regard, the Committee recommends that the State party seek assistance from UNICEF and UNESCO. Furthermore, the Committee recommends that the State party take appropriate measures to ensure that Koranic schools respect national school curricula and aims of education and are placed under the authority of the Ministry for Education.

52. The Committee recommends, in addition, that the State party pursue its efforts to include "education for peace and tolerance", children's rights and other human rights subjects in the curricula of primary and secondary schools, and that assistance be requested from UNICEF and UNESCO in this regard.

8. Special protection measures

Economic exploitation, including child labour

53. The Committee is deeply concerned at the fact that child labour in the State party is widespread and that children may be working long hours at young ages, which has a negative effect on their development and school attendance.

54. The Committee recommends that the State party make every effort to ratify and implement ILO Convention (No. 138) on the Minimum Age for Admission to Employment and ILO Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The Committee recommends that the State party seek assistance from ILO/IPEC in this regard.

Sale, trafficking and abduction

55. While noting the efforts undertaken by the State party within its Plan of Action to fight child trafficking, the Committee remains deeply concerned at the large number of child victims of trafficking for the purpose of exploitation in the State party's agricultural, mining and domestic service sectors and other forms of exploitation.

56. The Committee strongly encourages the State party to pursue its efforts in implementing the bilateral agreement with the Government of Mali and in extending this experience to other concerned countries. In addition, the Committee recommends that measures such as a comprehensive programme to prevent and combat the trafficking and sale of children be taken on an urgent basis, including an awareness raising campaign and educational programmes.

Children living in the streets

57. While welcoming the establishment of a national programme for the social settlement and resettlement of street children, the Committee remains concerned at the increase in the number of children living in the streets.

58. The Committee recommends that the State party make operational the inter-ministerial committee and the multidisciplinary national commission to ensure that children living in the streets are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development. Moreover, the State party should ensure that these children are provided with rehabilitation services for physical, sexual and substance abuse, protection from police brutality, and services for reconciliation with their families.

Asylum-seeking and refugee children

59. The Committee welcomes the efforts undertaken by the State party to integrate refugee children into the society, in particular through their enrolment in the Ivorian basic education system. It nevertheless remains concerned about the difficult situation encountered by child refugees and their families.

60. The Committee recommends that the State party strengthen the legal protection of refugee children and implement the project agreement with UNHCR. The Committee encourages the State party to continue and expand its cooperation with international agencies such as UNHCR and UNICEF.

Administration of juvenile justice

61. While recognizing the State party's efforts in this domain, the Committee remains concerned at the limited progress achieved in establishing a functioning system of juvenile justice throughout the country. In particular, the Committee is concerned at the small number of juvenile courts, judges and social workers. In addition, the Committee is deeply concerned about the poor conditions of detention, due notably to overcrowding, the overuse of pre-trial detention, the low minimum age of criminal responsibility (10 years), the lengthy periods before juvenile cases can be heard and, the absence of assistance towards the rehabilitation and reintegration of juveniles following judicial proceedings.

62. The Committee recommends that the State party take additional steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty.

63. In addition, the Committee recommends that the State party:

(a) Undertake all necessary measures to ensure that juvenile courts are accessible to children in all regions of the State party;

(b) Consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time; protect the rights of children deprived of their liberty and monitor their conditions of detention; and ensure that children remain in regular contact with their families while in the juvenile justice system;

(c) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;

(d) Make every effort to establish a programme of rehabilitation and reintegration of juveniles following judicial proceedings;

(e) Request technical assistance in the area of juvenile justice and police training from, among others, OHCHR, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

Optional Protocols

64. The Committee encourages the State party to ratify and implement the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict.

Dissemination of documentation

65. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State Party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations. The Committee recommends that the State Party request international cooperation in this regard.